

**REMARKS**

***Formal Matters***

Claims 1 and 3-8 constitute all currently pending claims in the application, all of which stand rejected. Claims 1, 3, 4, 6 and 7 are amended.

***Claim Interpretation***

In the section entitled “Claim Interpretation” of the instant Office Action, the Examiner contends that, with respect to the “whereby” clauses of the instant claims, the “manner of use fails to critically distinguish over structure taught by references in evidence.”

Although Applicant disagrees with the Examiner’s position, in the interests of further clarity, the claims are currently amended to more clearly indicate where certain “whereby” clauses indicate structural features. Accordingly, Applicant respectfully submits that each recited element of the claims is limiting and must be considered.

***Claim Rejections - 35 U.S.C. § 102***

Claims 1 and 5-7 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by “Jagged Alliance Game Manual” in light of the present Wikipedia article on “Jagged Alliance.” Applicants traverse this rejection for at least the following reasons.

Amended claim 1 requires the following:

game character moving means for moving the game character in real time in virtual space on the basis of the direction instruction signal inputted by the signal input means while the attack instruction signal is not being inputted by the signal input means; and

...

the attack direction changing means being for changing the attack direction resulting from the attack means on the basis of the direction instruction signal inputted by the signal input means while restricting the movement of the game character based on the

direction instruction signal inputted by the signal input means  
while the attack instruction signal is being inputted by the signal  
input means, and

The Examiner characterizes the Jagged Alliance Game Manual as describing both real time and turn-based movement in the game. The manual does state that the game involves a real time mode and “turn-based time” which is described as beginning “whenever a mercenary enters hostile territory or enemies enter the sector . . . . When the threat has passed, real time resumes its countdown.” (Jagged Alliance Game Manual at 18.) Thus, all combat in Jagged Alliance occurs during a turn-based time mode.

Turned-based play is further described in “Step 8” and “Step 9” of the game manual. Page 28 of the manual appears to describe a turn-based system in which a user is allowed to move his character a certain distance, after which the character will draw its weapon and fire upon the enemy. Page 29 of the manual describes the targeting process as follows: “right click to get the target cursor . . . [t]hen left click on the item or person you wish to target. . . . Once an enemy is targeted, the actual firing process begins.” Thus, it appears to be possible to either move the character or begin an attack at any point during the turn-based stage of the game. Movement of the character, therefore, is not actually “restricted” as required by claim 1.

Thus, even though the Jagged Alliance Game Manual teaches a turn-based combat system, movement of the game character is not restricted while changing the attack direction during the turn-based stage of the game, as required by claim 1.

Furthermore, claim 1 is currently amended to require “real time” movement; as all combat in Jagged Alliance clearly requires a turn-based play rather than real-time play, Jagged Alliance fails to teach or suggest this feature.

Additionally, claim 1 separately recites an “attack instruction signal” and a “direction instruction signal.” Since the direction of a character in Jagged Alliance appears to be specified simply by clicking on an area of the map, and an attack in Jagged Alliance also appears to be performed simply by right clicking to get the target cursor and left clicking on the targeted item, it does not appear to be possible in Jagged Alliance to have “the direction instruction signal inputted by the signal input means while the attack instruction signal is being inputted by the signal input means.”

In other words, since the mouse is apparently used to perform both functions in Jagged Alliance, ultimately through a left click, it is not possible to change a direction while an attack instruction signal is being inputted. In contrast, a non-limiting exemplary embodiment of the invention described in the present specification states that “in the game described below, the button 38b is used for an attack instruction,” and that “a game is realized that can instruct the moving direction of the game character with the direction key 34.” (Specification at 9, lines 1-6.) Thus, in this exemplary embodiment, a direction key 34 is used to indicate a moving direction of the game character, while a button 38b is used for an attack instruction, allowing both to be used simultaneously.

Finally, the Wikipedia article cited by the Examiner does not appear to substantially change or add to the Examiner’s argument.

Thus, the Jagged Alliance Game Manual, in light of the present Jagged Alliance Wikipedia article, fails to disclose each and every required element of independent claim 1. This reference, therefore, fails to anticipate claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 1 and its dependent claim 5.

Independent claims 6 and 7 recite features similar to those of independent claim 1. These claims are, therefore, also patentable at least for reasons analogous to those presented above with respect to claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of independent claims 6 and 7.

***Claim Rejections - 35 U.S.C. § 103***

**Claims 3 and 4**

Claim 3 and 4 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over “Jagged Alliance Game Manual” in view of EP 0840256 to Konami, and U.S. Patent No. 5,580,308 to Nakamura. Applicants traverse this rejection for at least the following reasons.

Claims 3 and 4 depend from independent claim 1. The deficiencies of independent claim 1 with respect to the Jagged Alliance Game Manual are demonstrated above. Konami and Nakamura, moreover, fail to make up for the deficiencies of the Jagged Alliance Game Manual. Claims 3 and 4, therefore, are also patentable at least by virtue of their dependency from claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

**Claim 8**

Claim 8 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over “Jagged Alliance Game Manual” in view of U.S. Patent No. 5,181,107 to Rhoades. Applicants traverse this rejection for at least the following reasons.

Claim 8 depends from independent claim 7. The deficiencies of claim 7 with respect to the Jagged Alliance Game Manual are demonstrated above. Rhoades, moreover, fails to make up for these deficiencies. Claim 8 is, therefore, also patentable at least by virtue of its

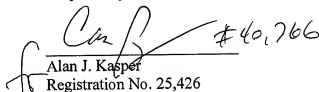
dependency from claim 7. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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